

**Remarks/Arguments:**

The above Amendments and these Remarks are in reply to the Office Action mailed February 10, 2006.

Claims 48-54, 57, 59-68, 71, 73-79, 83-94, and 98-107 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 48-54, 57, 59-68, 71, 73-79, 83-94, and 98-107.

Claims 48-54, 59-68, 73-75, 84 and 99 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wyman, U.S. Patent No. 5,438,508 in view of Brandt et al., U.S. Patent No. 5,758,068.

Claims 76-79, 83, 86-94, 98 and 101-105 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wyman, U.S. Patent No. 5,438,508.

Claims 57-71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wyman, U.S. Patent no. 5,438,508 in view of Brandt et al., U.S. Patent No. 5,758,068, and in vurther view of Rivera et al., U.S. Patent 6,056,786.

Claims 85, 100 and 106-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman, U.S. Patent No. 5,438,508 in view of Rivera et al., U.S. Patent No. 6,056,786.

The Applicant respectfully traverses these rejections.

Claims 48 and 62 read as follows:

48. A computer network including a multi-tier licensing system comprising:
- a user tier including user computers;
  - a remote node tier including remote nodes enabling users to run a licensed software program, at least some remote nodes allowing multiple users at multiple user computers to run the licensed software program concurrently, the remote nodes producing counts of the numbers of licensed software users associated with the remote nodes; and
  - a master node tier including a master node receiving the counts from the remote nodes and calculating a total number of licensed software users, the master node evaluating a license allocation condition using the total number of licensed software users, wherein the master mode initiates a license lockout grace period if the total number of licensed software users exceeds a maximum number of licenses.

62. A multi-tier licensing system method comprising:  
at remote nodes of a remote node tier, enabling users to run a licensed software program, at least some remote nodes allowing multiple users at multiple user computers of a user tier to run the licensed software program concurrently;  
at the remote nodes, producing counts of the numbers of licensed software users associated with the remote nodes; and  
at a master node, receiving the counts from the remote nodes and calculating a total number of licensed software users, the master node evaluating a license allocation condition using the total number of licensed software users, wherein the master mode initiates a license lockout grace period if the total number of licensed software users exceeds a maximum number of licenses.

The combination of Wyman and Brandt does not provide the system of the present invention. Neither Wyman or Barndt alone or in combination suggest initiating a lockout grace period if the total number of licensed software users exceeds a maximum number of licenses. This limitation is not oblivious. There is no suggestion, or motivation of this step in the cited prior art. For this reason, these independent claims are believed to be allowable.

Claims 49-54, 57, 59- 61 and 63-75 are dependent on these independent claims and for that reason, and because of their additional limitations these claims are believed to be allowable.

Claims 76 and 91 read as follows:

76. A computer network including a multi-tier licensing system comprising:  
a user tier including user computers;  
a remote node tier including remote nodes enabling users to run a licensed software program, at least some remote nodes allowing multiple users at multiple user computers to run the licensed software program concurrently, the remote nodes producing indications of the software usage of the licensed software program by users associated with the remote nodes; and  
a master node tier including a master node receiving the indications from the remote nodes and calculating a total number of licensed software users, the master node evaluating a license allocation condition using the total number of licensed software users, wherein a sanity scan is done on at least one subset of the remote nodes, where a scan result message is sent to the master node with at least some of the indications, the master node checks whether the scan result messages has been received from all of the remote nodes and deallocates any licenses allocated to users of any of the nodes from which a scan result message has not been received.
91. A multi-tier licensing system method comprising:

at remote nodes of a remote node tier, enabling users to run a licensed software program, at least some remote nodes allowing multiple users at multiple user computers in a user tier to run the licensed software program concurrently;

at the remote nodes, producing indications of the software usage of the licensed software program by users associated with the remote nodes; and

at a master node, receiving the indications from the remote nodes and calculating a total number of licensed software users, the master node evaluating a license allocation condition using the total number of licensed software users, wherein a sanity scan is done on at least one subset of the remote nodes, where a scan result message is sent to the master node with at least some of the indications, the master node checks whether the scan result messages has been received from all of the remote nodes and deallocates any licenses allocated to users of any of the nodes from which a scan result message has not been received.

In these claims, the master node checks whether the scan result messages has been received from all of the remote nodes and deallocates any licenses allocated to users of any of the nodes from which a scan result message has not been received.

This is not shown, suggested or given a motivation for in the prior art. For example, Wyman does not deallocate licenses from which a scan result is not received. For this reason, these claims are believed to be allowable.

Claims 77-79, 83-90, 92-94 and 98-105 are dependent on these independent claims and for that reason, and because of their additional limitations these claims are believed to be allowable.

Claim 106 reads as follows:

106. A computer network including a multi-tier licensing system comprising:  
a user tier including user computers;  
a remote node tier including remote nodes enabling users to run a licensed software program, at least some remote nodes allowing multiple users at multiple user computers to run the licensed software program concurrently, the remote nodes producing counts of the numbers of licensed software users associated with the remote nodes; and

a master node tier including a master node receiving the counts from the remote nodes and calculating a total number of licensed software users, the master node evaluating a license allocation condition using the total number of licensed software users, wherein the master node sends a warning message if the total number of licensed software users exceeds a limit that is less than the maximum number of licenses.

Claim 106 states that the master node sends a warning message if the total number of licensed software users exceeds a limit that is less than the maximum number of licenses. This is not shown, suggested, or given a motivation for by the prior art.

Claim 107 is dependent on this independent claim and for that reason, and because of its additional limitations, this claim is believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: \_\_\_\_\_

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